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Superfund

RECORDER'S CERTIFICATION  
JACKSON COUNTY, MISSOURI  
12/30/2005 02:02:45 PM

INSTRUMENT TYPE: TD FEE: \$54.00 12 Pages



INSTRUMENT NUMBER/BOOK & PAGE:

200510114053



ROBERT T. KELLY, DIRECTOR OF RECORDS

*(Space Above reserved for Recorder of Deeds certification)*

**TITLE OF DOCUMENT:** SUCCESSOR TRUSTEE'S DEED

**DATE OF DOCUMENT:** October 18, 2005

**GRANTOR(S):** KOZENY AND MCCUBBIN LC  
12400 OLIVE BLVD  
ST LOUIS MO 63141

**GRANTEE(S):** IB Property Holdings, LLC  
2665 S Bayshore, Ste 701  
Miami, FL 33133

**Reference Book and Page:** Document Number 200310064367

**Legal Description:**

Beginning at the point of the west line of section 18, Township 50, Range 29, in Levasy, Jackson County, Missouri, 479.72 feet North of the southwest corner of said section and on the North line of the Right of Way of Missouri Pacific Railroad(25 feet from the center line thereof), said point also being 525.92 feet(deed = 516 feet) North of the Southeast corner of Section 13, Township 50, Range 30; thence Southwesterly along the North line of said Right of Way (25 feet from said center line) 16.51 feet thence North 833 feet; thence East 16.6 feet to a point on the East line of said Section 13, 830 feet North of the point of beginning; thence along the East line of said Section 13 and the West line of said Section 18, North 0 degrees 00 minutes 22 seconds East 485.16 feet; thence South 86 degrees 11 minutes East 373.64 feet to a point in the approximate center line of Fort Osage Drainage Ditch as described in Document No. I-157468; thence along the approximate center line of said ditch as described in said Document as follows: South 6 degrees 32 minutes East 912.31 feet; South 21 degrees 20 minutes East 343.54 feet; south 0 degrees 42 minutes west 264.65 feet to a point on the North line of the Right of Way of Missouri Pacific Railroad (50 feet from the center line thereof); thence in a Southwesterly direction along the North line of said Right of Way (50 feet from said center line) and along a curve to the left(having a radius of 1960.08 feet) 366.63 feet (chord South 82 degrees 29 minutes 56 seconds west 366.45 feet) to the point of tangent; thence along said Right of Way South 77 degrees 40 minutes 38 seconds West (deed = South 71 degrees 45 minutes west) 954.80 feet to the Southwest corner of tract described in Document No. I-53979, said point being on the West line of said section 18, 505.31 feet North of the Southwest corner of said section; thence South 0 degrees 00 minutes 22 seconds West 25.59 feet to the point

of beginning, containing 1,231,438.46 square feet or 28.269 acres. The West 42.30 feet of the Southwest 1/4 of section 18, Township 50, Range 29 lying South of the Right of way of Missouri Pacific Railroad, more particularly described as follows: Beginning at the Southwest corner of Section 18, Township 50, Range 29; thence North along the West line of said Section 402.95 feet (deed = 407.60 feet) to a point on the South line of the Right of Way of Missouri Pacific Railroad (50 feet from the center line thereof); thence along the South line of said Right of Way North 77 degrees 40 minutes 38 seconds East (deed = North 71 degrees 45 minutes East) 43.29 feet; thence South parallel to the West line of said Section 412.27 feet to a point on the South line of said Section; thence west 42.30 feet to the point of beginning, containing 17,241.90 square feet or 0.39 acres.

Our File Name:

dielybay

### **SUCCESSOR TRUSTEE'S DEED UNDER FORECLOSURE**

WHEREAS, Lyons Diecasting Company, dtd by their Deed of Trust dated the 9th day of May, 2003, and recorded in the Recorder's Office, of the County of Jackson (Independence) and State of Missouri in Document Number 200310064367 and convey to Columbian National Title Insurance Company the property therein described, IN TRUST, to secure to Interbay Funding, LLC, the payment of the notes in said Deed of Trust described.

AND WHEREAS, default was made in the payment of several monthly installments on a note secured by said deed, by reason whereof the undersigned Successor Trustee did, at the request of the legal holder of said notes and deed of trust, proceed to execute the powers to said trustee given by said deed of trust, and did, on September 30, 2005, having previously given twenty-one days notice of the time, terms and place of sale, and of the property to be sold, by advertisement printed and published in The Daily Record, a newspaper printed and published in the County of Jackson (Independence), and State of Missouri, a copy of which advertisement, with the affidavit of the publisher of said newspaper, proving its publication, is hereto attached, and made part hereof, between the hours of 9:00 a.m. and 5:00 p.m. (2:00 noon), at the South Doors of the Jackson (Independence) County Courthouse, in the city of Independence, County of Jackson (Independence), State of Missouri, exposed to sale for cash to the highest bidder, at public auction, the said property herein described, and at said sale IB Property Holdings, LLC, a Delaware Limited Liability Company, 2665 S Bayshore, Ste 701, Miami, FL 33133, being the highest and best bidder for the sum of Three Hundred Eighty Nine Thousand Dollars and zero cents (\$389,000.00) the same was struck off and sold to said bidder at that price and sum.

Now, Therefore, know all men by these Presents, that Kozeny & McCubbin, LC , 12400 Olive Blvd, St Louis, MO, 63033. The undersigned Successor Trustee,

party of the first part, in consideration of the premises, and of the sum Three Hundred Eighty Nine Thousand Dollars and zero cents (\$389,000.00) to the said Successor Trustee paid by the said, IB Property Holdings, LLC, a Delaware Limited Liability Company, 2665 S Bayshore, Ste 701, Miami, FL 33133 in the county of Dade and the state of FL, party of the second part, does Bargain, Sell and Convey unto the said party of the second part, the Real Estate in said Deed of Trust described, situated in the County of Jackson (Independence) and State of Missouri, to wit:

Beginning at the point of the west line of section 18, Township 50, Range 29, in Levasy, Jackson County, Missouri, 479.72 feet North of the southwest corner of said section and on the North line of the Right of Way of Missouri Pacific Railroad (25 feet from the center line thereof), said point also being 525.92 feet (deed = 516 feet) North of the Southeast corner of Section 13, Township 50, Range 30; thence Southwesterly along the North line of said Right of Way (25 feet from said center line) 16.51 feet thence North 833 feet; thence East 16.6 feet to a point on the East line of said Section 13, 830 feet North of the point of beginning; thence along the East line of said Section 13 and the West line of said Section 18, North 0 degrees 00 minutes 22 seconds East 485.16 feet; thence South 86 degrees 11 minutes East 373.64 feet to a point in the approximate center line of Fort Osage Drainage Ditch as described in Document No. 1-157468; thence along the approximate center line of said ditch as described in said Document as follows: South 6 degrees 32 minutes East 912.31 feet; South 21 degrees 20 minutes East 343.54 feet; south 0 degrees 42 minutes west 264.65 feet to a point on the North line of the Right of Way of Missouri Pacific Railroad (50 feet from the center line thereof); thence in a Southwesterly direction along the North line of said Right of Way (50 feet from said center line) and along a curve to the left (having a radius of 1960.08 feet) 366.63 feet (chord South 82 degrees 29 minutes 56 seconds west 366.45 feet) to the point of tangent; thence along said Right of Way South 77 degrees 40 minutes 38 seconds West (deed = South 71 degrees 45 minutes west) 954.60 feet to the Southwest corner of tract described in Document No. 1-53979, said point being on the West line of said section 18, 505.31 feet North of the Southwest corner of said section; thence South 0 degrees 00 minutes 22 seconds West 25.59 feet to the point of beginning, containing 1,231,438.46 square feet or 28.269 acres. The West 42.30 feet of the Southwest 1/4 of section 18, Township 50, Range 29 lying South of the Right of way of Missouri Pacific Railroad, more particularly described as follows: Beginning at the Southwest corner of Section 18, Township 50, Range 29; thence North along the West line of said Section 402.95 feet (deed = 407.60 feet) to a point on the South line of the Right of Way of Missouri Pacific Railroad (50 feet from the center line thereof); thence along the South line of said Right of Way North 77 degrees 40 minutes 38 seconds East (deed = North 71 degrees 45 minutes East) 43.29 feet; thence South parallel to the West line of said Section 412.27 feet to a point on the South line of said Section; thence west 42.30 feet to the point of beginning, containing 17,241.90 square feet or 0.39 acres.

The undersigned Successor Trustee states that the sale referred to herein was as-is/where-is with no representations or warranties whatsoever as per the terms of sale announced at the time of sale. The Successor Trustee further advises the party of the second part herein, and the party of the Second part agrees by acceptance and recording of this deed that its sole remedy in the event of any alleged defect in the sale is refund of the bid amount. Party of the Second Part expressly agrees by acceptance of this deed that it shall not be entitled to any damages, whether direct, indirect, actual, consequential or in the nature of lost profits by way of example and not limitations in the event of any alleged defect in the sale herein recited.

**RECORD OWNER AS OF 40 DAYS  
PRIOR TO SALE DATE**

Lyons Diecasting Company

**ADDRESS LAST KNOWN TO  
FORECLOSING MORTGAGEE**

2300 N Holly Rd  
Buckner, MO 64016

**MORTGAGOR NAMED IN DEED  
Same as Above**

**ADDRESS LAST KNOWN TO**

**PERSONS HAVING RECORDED  
REQUESTS FOR NOTICE OF  
SALE AS OF 40 DAYS PRIOR  
TO SALE DATE**

**ADDRESS LAST KNOWN TO  
FORECLOSING MORTGAGEE**

Lyons Diecasting Company

2300 N Holly Rd  
Buckner, MO 64016

Lyons Diecasting company

PO BOX 620  
Buckner, MO 64016

**OTHERS**

**ADDRESS LAST KNOWN TO  
FORECLOSING MORTGAGEE**

John Doe

2300 N Holly Rd

Buckner, MO 64016

Jane Doe

2300 N Holly Rd  
Buckner, MO 64016

To Have and To Hold the same unto the said party of the second part, and to its heirs and assigns FOREVER.

STATE OF MISSOURI

)

SS

CITY OF ST LOUIS

)

SARA KNITTEL, AUTHORIZED REPRESENTATIVE of KOZENY & MCCUBBIN, LC. a Missouri Corporation, on oath, states that Kozeny & McCubbin, LC is the duly appointed Successor Trustee under the Deed of Trust herein, said Deed serving as a first mortgage upon the property above described, and the said Successor Trustee further states as follows:

1. That to the best of her knowledge, no owner is entitled to the protection of the Soldiers and Sailors Civil Relief Act.
2. That to the best of her knowledge, no owner had given notice of intent to redeem.
3. That to the best of her knowledge, she has given proper notice of this sale to all parties, as required by R.S. Mo. 443.325.
4. That no owner can be proved to have died the next six month preceding said sale.

IN WITNESS THEREOF, On October 18, 2005, the said party of the first part as Successor Trustee, has caused these presents duly to be executed for and in its name by Sara Knittel, its Authorized Representative.

Kozeny & McCubbin, LC.

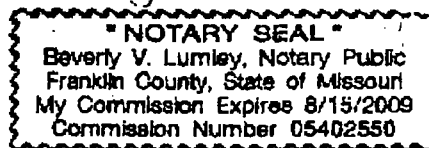
  
By: Sara Knittel  
Its: Authorized Representative

On, October 18, 2005 before me appeared Sara Knittel, to me personally known, who being by me duly sworn did state that she is Authorized Representative of Kozeny & McCubbin, LC and that the said instrument was signed in behalf of said corporation by authority of its board of directors, and said Sara Knittel acknowledged said instrument to be the free act and deed of said corporation.

IN TESTMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Beverly V. Lumley  
Notary Public

My Commission Expires:



STATE OF MISSOURI  
COUNTY OF ST. LOUIS

)  
) SS.  
)

AFFIDAVIT

1. I, Sara Knittel, hereby certify and affirm upon personal knowledge that I am an authorized Representative of Kozeny & McCubbin LC, (hereinafter referred to as "Trustee"), a corporation duly organized and existing under law, and doing business in St. Louis County, Missouri.

2. I hereby certify and affirm that a valid foreclosure sale was had on September 30, 2005, after having been postponed for seven days pursuant to Section 443.355 (1) from September 23, 2005, in the City of Buckner, County of Jackson - Independence, State of Missouri, in regards to the property located at 2300 N Holly Rd., Buckner, MO 64016 and more particularly described as follows:

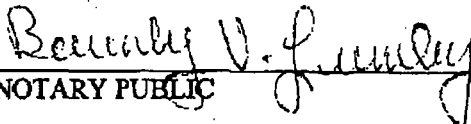
Beginning at the point of the west line of section 18, Township 50, Range 29, in Levasy, Jackson County, Missouri, 479.72 feet North of the southwest corner of said section and on the North line of the Right of Way of Missouri Pacific Railroad (25 feet from the center line thereof), said point also being 525.92 feet (deed=516 feet) North of the Southeast corner of Section 13, Township 50, Range 30; thence Southwesterly along the North line of said Right of Way (25 feet from said center line) 16.51 feet thence North 833 feet; thence East 16.6 feet to a point on the East line of said Section 13, 830 feet North of the point of beginning; thence along the East line of said Section 13 and the West line of said Section 18, North 0 degrees 00 minutes 22 seconds East 485.16 feet; thence South 86 degrees 11 minutes East 373.64 feet to a point in the approximate center line of Fort Osage Drainage Ditch as described in Document No. I-157468; thence along the approximate center line of said ditch as described in said Document as follows: South 6 degrees 32 minutes East 912.31 feet; South 21 degrees 20 minutes East 343.54 feet; south 0 degrees 42 minutes west 264.65 feet to a point on the North line of the Right of Way of Missouri Pacific Railroad (50 feet from the center line thereof); thence in a Southwesterly direction along the North line of said Right of Way (50 feet from said center line) and along a curve to the left (having a radius of 1960.08 feet) 366.63 feet (chord South 82 degrees 29 minutes 56 seconds west 366.45 feet) to the point of tangent; thence along said Right of Way South 77 degrees 40 minutes 38 seconds West (deed=South 71 degrees 45 minutes west) 954.60 feet to the Southwest corner of tract described in Document No. I-53979, said point being on the West line of said section 18, 505.31 feet North of the Southwest corner of said section; thence South 0 degrees 00 minutes 22 seconds West 25.59 feet to the point of beginning, containing 1,231,438.46 square feet or 28.269 acres. The West 42.30 feet of the Southwest 1/4 of section 18, Township 50, Range 29 lying South of the Right of way of Missouri Pacific Railroad, more particularly described as follows: Beginning at the Southwest corner of Section 18, Township 50, Range 29; thence North along the West line of said Section 402.95 feet (deed=407.60 feet) to a point on the South line of the Right of Way of Missouri Pacific Railroad (50 feet from the center line thereof); thence along the South line of said Right of Way North 77 degrees 40 minutes 38 seconds East (deed=North 71 degrees 45 minutes East) 43.29 feet; thence South parallel to the West line of said Section 412.27 feet to a point on the South line of said Section; thence west 42.30 feet to the point of beginning, containing 17,241.90 square feet or 0.39 acres



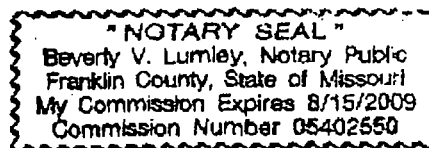
This Affidavit executed this 18th day of October, 2005.

By:   
Name: **Sara Knittel**  
Title: **Authorized Representative**

The foregoing Affidavit was sworn to and subscribed before me this 18th day of October, 2005.

  
NOTARY PUBLIC

My Commission Expires:



# AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI, }  
COUNTY OF JACKSON } ss.

Before the undersigned, a Notary Public in and for the County of Jackson, Missouri, personally appeared Peter Crawford, one of the editors of THE DAILY RECORD, a daily newspaper published in the County of Jackson, Missouri; who, being duly sworn on his oath, say that THE DAILY RECORD has complied with all of the provisions of the laws of this state regulating newspapers and the publication of legal notices, and in particular with the provisions of Chapter 493, including Section 493.050 and Sections 493.070 to 493.090, Revised Statutes of Missouri, as amended in 1998, and is qualified to publish the annexed notice of

## Trustee's Sale

and that it was published in THE DAILY RECORD for

Twenty-one (21) Consecutive Issues

beginning September 3, 2005 and  
in each of the following issues

September 4 through September 23, 2005

being numbers

55-75

of volume 190 of said newspaper.

## TRUSTEE'S SALE

SALE DATE: September 23, 2005

In Re: LYONS DIECASTING COMPANY

NY  
For default in the payment of debt and performance of obligation described in and secured by Deed of Trust executed by LYONS DIECASTING COMPANY dated 05/09/2003, and recorded on 06/02/2003 in Document 200310064367 in the office of the Recorder of Deed for Jackson Independence County, MISSOURI, the undersigned Successor Trustee, at the request of the legal holder of the debt, who has elected to declare the entire debt due and payable, will on Friday, 09/23/2005 between the hours of 9:00 a.m. and 5:00 p.m. (2:00 pm) at the south doors, 308 W Kansas Avenue, in the City of Independence, State of Missouri 64050 in the City of INDEPENDENCE, State of Missouri sell at public venue to the highest bidder for cash, the realty described in said deed of trust, to wit:

Beginning at the point of the west line of Section 18, Township 50, Range 29, in Levasy, Jackson County, Missouri, 479.72 feet North of the southeast corner of said section and on the North line of the Right of Way of Missouri Pacific Railroad (25 feet from the center line thereof); said point also being 523.92 feet (dead=516 feet) North of the Southeast corner of Section 13, Township 50, Range 30; thence Southwesterly along the North line of said Right of Way (25 feet from said center line) 16.51 feet thence North 833 feet; thence East 16.6 feet to a point on the East line of said Section 13, 830 feet North of the point of beginning; thence along the East line of said Section 13 and the West line of said Section 18, North 0 degrees 00 minutes 22 seconds East 485.16 feet; thence South 86 degrees 11 minutes East 373.64 feet to a point in the approximate center line of Fort Osage Drainage Ditch as described in Document No. I-157468; thence along the approximate center line of said ditch as described in said Document as follows: South 6 degrees 32 minutes East 912.31 feet; South 21 degrees 20 minutes East 343.54 feet; south 0 degrees 42 minutes west 264.65 feet to a point on the North line of the Right of Way of Missouri Pacific Railroad (50 feet from the center line thereof);

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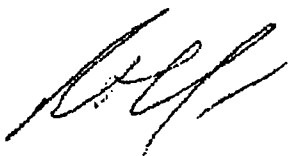
thence in a Southwesterly direction along the North line of said Right of Way (50 feet from said center line) and along a curve to the left (having a radius of 1960.08 feet) 366.63 feet (chord South 82 degrees 29 minutes 56 seconds west 366.45 feet) to the point of tangent; thence along said Right of Way South 77 degrees 40 minutes 38 seconds West (deed-South 71 degrees 45 minutes west) 954.60 feet to the Southwest corner of tract described in Document No. 1-33979, said point being on the West line of said section 18, 505.31 feet North of the Southwest corner of said section; thence South 0 degrees 00 minutes 22 seconds West 25.59 feet to the point of beginning, containing 1,231,438.46 square feet or 28.269 acres. The West 42.30 feet of the Southwest 1/4 of section 18, Township 50, Range 29 lying South of the Right of way of Missouri Pacific Railroad, more particularly described as follows: Beginning at the Southwest corner of Section 18, Township 50, Range 29; thence North along the West line of said Section 402.95 feet (deed-407.60 feet) to a point on the South line of the Right of Way of Missouri Pacific Railroad (50 feet from the center line thereof); thence along the South line of said Right of Way North 77 degrees 40 minutes 38 seconds East (deed-North 71 degrees 45 minutes East) 43.29 feet; thence South parallel to the West line of said Section 412.27 feet to a point on the South line of said Section; thence west 42.30 feet to the point of beginning, containing 17,241.90 square feet or 0.39 acres.

Subject to easements, restrictions, reservations, and covenants, if any, to satisfy said debt and cost.

KOZENY & MCCUBBIN, L.C.

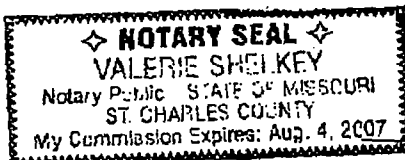
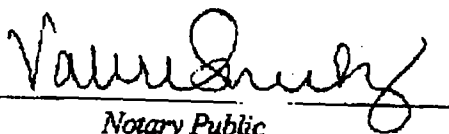
KM File #: DELVBAY

SS-75-Daily (A72588)  
The Daily Record  
September 3, 2005



Peter Crawford

Subscribed and sworn to before me on September 28, 2005

Notary Public

pg. 2 of 2

# DIELYBAY

RECEIPT  
7180 5403 6070 2009 9896  
FROM:  
Kozany and McCubbin, L.C.  
RE: DIELYBAY

SEND TO:  
JOHN DOE  
2300 N HOLLY RD  
BUCKNER MO 64016

FEES:  
Postage 0.37  
Certified Fee 2.30  
Return Receipt 1.75  
Restricted

TOTAL \$ 4.42  
POSTMARK OR DATE

RECEIPT  
7180 5403 6070 2009 9902  
FROM:  
Kozany and McCubbin, L.C.  
RE: DIELYBAY

SEND TO:  
LYONS DIECASTING COMPANY  
2300 N HOLLY RD  
BUCKNER MO 64016

FEES:  
Postage 0.37  
Certified Fee 2.30  
Return Receipt 1.75  
Restricted

TOTAL \$ 4.42  
POSTMARK OR DATE

RECEIPT  
7180 5403 6070 2009 9919  
FROM:  
Kozany and McCubbin, L.C.  
RE: DIELYBAY

SEND TO:  
LYONS DIECASTING COMPANY  
PO BOX 620  
BUCKNER MO 64016

FEES:  
Postage 0.37  
Certified Fee 2.30  
Return Receipt 1.75  
Restricted

TOTAL \$ 4.42  
POSTMARK OR DATE

RECEIPT  
7180 5403 6070 2009 9926  
FROM:  
Kozany and McCubbin, L.C.  
RE: DIELYBAY

SEND TO:  
JOHN DOE  
2300 N HOLLY RD  
BUCKNER MO 64016

FEES:  
Postage 0.37  
Certified Fee 2.30  
Return Receipt 1.75  
Restricted

TOTAL \$ 4.42  
POSTMARK OR DATE